

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

KENTON HARDY KING,

Defendant.

Case No. 2:20-cr-00344-JAD-DJA

PROTECTIVE ORDER

The Court finds the following Order restricting the use and dissemination of data containing Child Sexual Abuse Material (hereinafter the “CSAM”) conforms with the requirements of the Adam Walsh Act (the “Act”), 18 U.S.C. § 3509, and Federal Rule of Criminal Procedure 16.

1. There is good cause to enter this Order allowing Defendant to evaluate the data extracted from Defendant’s cellular telephones and victim H.S.’s cellular telephone, including the CSAM, while also ensuring the security of information protected from dissemination under the Act.

2. The Government must make available for examination, inspection, and where appropriate, copying (expressly excluding any CSAM) all data extracted from the cellular telephones. To achieve this goal, the Federal Bureau of Investigation (“FBI”) must make a duplicate copy of the data extracted from the cellular telephones seized in the investigation of this matter.

3. The duplicate digital evidence must be made available to defense counsel, Joanne L. Diamond, and Defendant’s proposed expert, Josiah Roloff, to review at the FBI office in Las Vegas, Nevada at reasonable hours and for reasonable lengths of time.

4. A private room must be provided for examination by the defense. For the duration of the time the room is reserved by defense, when not occupied by defense counsel or his expert, the room must be locked, and a copy of this Order must be posted

1 on the door. No purposeful or direct surveillance of the room, the expert, or defense
2 counsel will occur while one or both are in the room.

3 5. The expert will be permitted to bring whatever equipment, books, or
4 records he believes necessary to conduct the examination so long as FBI rules,
5 regulations, and protocols allow. Defendant is not required to release or identify any
6 examination tools or methods (including, but not limited to software tools) to the FBI,
7 prosecutors, or prosecution experts, until required to do so under reciprocal discovery
8 obligations, as applicable. The expert is prohibited from accessing or enabling an
9 internet connection on any digital device while inside the facility which houses the
10 CSAM.

11 6. Neither the defense expert nor defense attorney will remove any CSAM
12 from the FBI offices or otherwise from the Government's offices and control.

13 7. With the exception of materials that would be considered child
14 pornography under federal or state law (including visual images, media, and data
15 capable of conversion into a visual image), the expert may download and remove files
16 or portions of files, provided the forensic integrity of the evidence is not altered. The
17 expert will certify in writing (using an agreed upon certification) that he has taken no
18 materials that would be considered child pornography under federal or state law and
19 that he has not caused any child pornography to be sent from the Government's
20 premises by any means including any electronic transfer of files. The expert will invoke
21 a data wipe of his device using Dell Data Wipe or an industry standard equivalent
22 program to ensure there are no remnants of CSAM on the device once the expert's work
23 is complete. The expert will certify that he has removed all remnants of CSAM from
24 his device, including from the hard drive, memory, internal and external storages, and
25 all unallocated space within the device.

26 8. Except when a defense expert or attorney fails to provide this certification,
27 or unless there is court authorization, no government official or any person connected
28 with the government will examine or acquire in any fashion any of the items brought

1 and used by the expert in order to conduct the defense analyses. No examination of the
2 expert's equipment will occur upon his departure from government offices. However,
3 should a defense expert fail to certify that the items to be taken off site do not contain
4 child pornography or if a court issues a lawful order, government officials may then
5 inspect or examine the materials brought and used by the expert in order to ensure
6 that prohibited child pornography has not been removed.

7 9. When the defense indicates that it is finished with its review of the copy
8 of the digital evidence, the evidence will be returned to the FBI or its governmental
9 designee.

10 10. Any disputes regarding the above or problems implementing this Order
11 must be brought to the attention of the Court through representative counsel after
12 first consulting opposing counsel.

13 IT IS SO ORDERED this 12th day of June 2024.

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16 DANIEL J. ALBREGTS
17 UNITED STATES MAGISTRATE JUDGE
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